

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LYDIA T. RIVERA,	:	Civil Action No.:
	:	
	:	
Plaintiff,	:	<b>COMPLAINT FOR DAMAGES</b>
	:	<b>PURSUANT TO THE FAIR</b>
v.	:	<b>CREDIT REPORTING ACT, 15</b>
	:	<b>U.S.C. § 1681, ET SEQ.</b>
EQUIFAX INFORMATION	:	
SERVICES, LLC,	:	
	:	<b>JURY TRIAL DEMANDED</b>
Defendant.	:	

# INTRODUCTION

1. The United States Congress has found the banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence, which is essential to the continued functioning of the banking system. Congress enacted the Fair Credit

1 Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to ensure fair and accurate  
2 reporting, promote efficiency in the banking system, and protect consumer  
3 privacy. The FCRA seeks to ensure consumer reporting agencies exercise  
4 their grave responsibilities with fairness, impartiality, and a respect for the  
5 consumer’s right to privacy because consumer reporting agencies have  
6 assumed such a vital role in assembling and evaluating consumer credit and  
7 other information on consumers. The FCRA also imposes duties on the  
8 sources that provide credit information to credit reporting agencies, called  
9 “furnishers.”  
10  
11

12  
13 2. Through a tightly wound set of procedural protections, the FCRA protects  
14 consumers from the material risk of harms that otherwise flow from inaccurate  
15 reporting. Thus, through the FCRA, Congress struck a balance between the  
16 credit industry’s desire to base credit decisions on accurate information, and  
17 consumers’ substantive right to protection from damage to reputation, shame,  
18 mortification, and the emotional distress that naturally follows from  
19 inaccurate reporting of a consumer’s fidelity to his or her financial  
20 obligations.  
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23  
24 3. LYDIA T. RIVERA (“Plaintiff”), by Plaintiff’s attorneys, brings this action  
25 against EQUIFAX INFORMATION SERVICES, LLC (“Equifax” or  
26 “Defendant”) for violations of the FCRA, as set forth below.  
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**JURISDICTION AND VENUE**

- 1
- 2 4. This Court has federal question jurisdiction because this case arises out of
- 3 violations of the FCRA. 15 U.S.C. § 1681 *et seq.*; 28 U.S.C. § 1331; *Smith v.*
- 4 *Community Lending, Inc.*, 773 F.Supp.2d 941, 946 (D. Nev. 2011).
- 5
- 6 5. Venue is proper in the United States District Court for the District of Nevada
- 7 pursuant to 28 U.S.C. § 1391(b) because Plaintiff is a resident of Clark
- 8 County, Nevada and because Defendant is subject to personal jurisdiction in
- 9 Clark County, Nevada; conducts business in Clark County, Nevada; the
- 10 events giving rise to this action occurred in Clark County, Nevada; and
- 11 Defendant is registered with the Nevada Secretary of State as a foreign limited
- 12 liability company and has appointed a registered agent in Nevada.
- 13
- 14
- 15

**PARTIES**

- 16
- 17 6. Plaintiff is a natural person residing in the County of Clark, State of Nevada. In
- 18 addition, Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §
- 19 1681a(c).
- 20
- 21 7. Equifax regularly assembles and/or evaluates consumer credit information for
- 22 the purpose of furnishing consumer credit reports to third parties, and uses
- 23 interstate commerce to prepare and/or furnish the reports. Equifax is a
- 24 “consumer reporting agency” as that term is defined by 15 U.S.C. § 1681a(f),
- 25 doing business with its principal place of business in Georgia.
- 26
- 27
- 28

1 8. Unless otherwise indicated, the use of Defendant's name in this Complaint  
2 includes all agents, employees, officers, members, directors, heirs, successors,  
3 assigns, principals, trustees, sureties, subrogees, representatives, and insurers  
4 of Defendant.  
5

6 **Equifax Failed to Respond to Plaintiff's Written Dispute**  
7

8 9. In an Equifax credit report dated November 11, 2019, Equifax reported  
9 inaccurate information regarding Plaintiff.

10 10. On or about January 10, 2020, pursuant to 15 U.S.C. § 1681i(a)(2), Plaintiff  
11 disputed Equifax's reported information regarding misreported trade lines by  
12 notifying Equifax, in writing, of the incorrect and inaccurate credit  
13 information furnished by Equifax.  
14

15 11. Specifically, Plaintiff mailed a written dispute, certified, return receipt, to  
16 Equifax ("Dispute Letter"), requesting disputed inaccurate and incorrect  
17 derogatory information be removed, corrected, or deleted.  
18

19 12. Equifax was required to conduct an investigation into the disputed accounts  
20 pursuant to 15 U.S.C. § 1681i.  
21

22 13. Equifax thereafter failed to comply with its obligation to provide Plaintiff  
23 with the results of any "reinvestigation" completed relating to the Dispute  
24 Letter pursuant to 15 U.S.C. § 1681i(a)(6). Indeed, Equifax simply never  
25 responded to the Dispute Letter.  
26  
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1 14. As a result of Equifax's failure to provide a consumer disclosure, Equifax  
2 negligently failed in its duties as required by and in violation of 15 U.S.C. §  
3 1681i(a)(6).  
4

5 15. Further, Equifax willfully failed in its duties as required by and in violation  
6 of 15 U.S.C. § 1681i(a) when Equifax failed to provide written notice to  
7 Plaintiff of the results of a reinvestigation not later than 5 business days after  
8 the completion of the reinvestigation (assuming an investigation was  
9 completed), by mail or, if authorized by the consumer for that purpose, by  
10 other means available to the agency. Indeed, Equifax failed to provide  
11 Plaintiff any evidence of any investigation it conducted into the disputes  
12 raised in the Dispute Letter, thereby shirking Equifax's duties under the  
13 FCRA.  
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17 **FIRST CAUSE OF ACTION**  
18 **VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
19 **15 U.S.C. § 1681 *ET SEQ.* (FCRA)**

20 16. Plaintiff incorporates by reference all of the above paragraphs of this  
21 Complaint as though fully stated herein.  
22

23 17. Defendant failed to conduct a reasonable investigation as required by 15  
24 U.S.C. § 1681i(a).  
25

26 18. Defendant failed to review all relevant information provided by Plaintiff in  
27 the Dispute Letter, as required by and in violation of 15 U.S.C. § 1681i(a).  
28

- 1 19. Upon receipt of Plaintiff's Dispute Letter, Defendant failed to conduct an  
2 investigation with respect to the disputed information as required by 15 U.S.C.  
3 § 1681i(a).  
4
- 5 20. Despite Plaintiff's efforts to correct Defendant's erroneous and negative  
6 reporting in writing, Defendant neglected, refused, or failed to do so.  
7
- 8 21. As a result of Defendant's failure to correct its inaccurate and negative  
9 reporting, Plaintiff has suffered actual damages, including without limitation  
10 fear of credit denials, out-of-pocket expenses in challenging Defendant's  
11 wrongful representations, damage to her creditworthiness, and emotional  
12 distress.  
13
- 14 22. The foregoing acts and omissions constitute numerous and multiple willful,  
15 reckless or negligent violations of the FCRA, including but not limited to each  
16 and every one of the above-cited provisions of the FCRA, 15 U.S.C. § 1681.  
17
- 18 23. As a result of each and every willful violation of the FCRA, Plaintiff is  
19 entitled to actual damages as the Court may allow pursuant to 15 U.S.C. §  
20 1681n(a)(1); statutory damages pursuant to 15 U.S.C. § 1681n(a)(1); punitive  
21 damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2); and  
22 reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1681n(a)(3) from  
23 Defendant.  
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24. As a result of each and every negligent noncompliance of the FCRA, Plaintiff is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. § 1681o(a)(1); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1681o(a)(2) from Defendant.

**PRAYER FOR RELIEF**

Plaintiff respectfully requests the Court grant Plaintiff the following relief against Defendant:

**FIRST CAUSE OF ACTION  
VIOLATION OF THE FAIR CREDIT REPORTING ACT  
15 U.S.C. § 1681 ET SEQ. (FCRA)**

- actual damages pursuant to 15 U.S.C. § 1681n(a)(1);
- statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);
- punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2);
- costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1681n(a)(3), and 15 U.S.C. § 1681(o)(a)(1) against Defendant for each incident of negligent noncompliance of the FCRA; and
- any other relief the Court may deem just and proper.

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**TRIAL BY JURY**

25. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: October 19, 2020

Respectfully submitted,

By /s/ David Krieger, Esq.  
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